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IN THE UNITED STATES PATENT OFFICE


NOV 06 2005

In re Application of
Hayato Ariyoshi
Tadashi Takano

App. No.: 10/709882
Filed: June 3, 2004
Conf. No.: 3881
Title: COIL TERMINAL CIRCUIT
STRUCTURE FOR ROTARY
ELECTRICAL DEVICE
Examiner: D. Le
Art Unit: 2834
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence and all
marked attachments are being deposited with
the United States Patent Office via fax to
(571) 273-8300 on:

November 6, 2005


Ernest A. Deutler
Reg. No. 19901

11/06/2005 MBINAS 00000002 10709882

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PETITION AND ATERNATE FURTHER REQUEST FOR EXTENSION

Dear Sir:

Applicants respectfully request the commissioner to exercise his supervisory authority and direct entry of the amendment filed by Fax on October 30, 2005 and request a two month extension in the period for response to the Office Action, dated June 2, 2005, which was met by the Notice of Non-Compliance, purportedly mailed, November 2, 2005, 3 days after receipt of the amendment and which has not yet been received by the undersigned in the mail.

Immediately after learning of the mailing of the Notice through consulting the PARE records of the undersigned's cases, he attempted to reach the LIE issuing the Notice but received a voice mail message that was three months old since it referred to the LIE's absence on a date in August. The reason for the call was to determine what the specific objection was since the condition of the claims was correctly defined, but not in strict compliance with the accepted terms. For example claims previously amended were referred to as that rather than what apparently should have been "Previously submitted". It is respectfully submitted that that term is a misnomer because the claim had been originally submitted and was in fact subsequently amended. Please note that the Rule in question does not define the terms as specifically used. Also to refer to a dependent claim that depends on an amended claim as "Original" is also a misnomer since if it depends on an amended claim, it is in fact also amended. This also is not clarified in the Rules.

Applicant's attorney only raises this issue as the Rules as stated in the Notice would require an added extension fee, which is a severe penalty for a reasonable error in following as best as possible an unclear Rule.

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However if the Office is more interested in collecting fees, please consider this filing as a request for an added one month extension to avoid abandonment. A Credit Card Authorization for the extension fee is attached. So that applicants can receive an advisory action on the substitute amendment filed herewith and pursue the request for accepting the first filed amendment further by way of a renewed petition.

Respectfully submitted:

Ernest A. Beutler
Reg. No. 19901

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